



Corrine Shea
212-915-3000 (Main)
Corrine.Shea@wilsonelser.com

August 11, 2022

Via ECF Only

Honorable Paul G. Gardephe, Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: *Dinean Davis, Individually and on Behalf of her Infant Child, J.D. v. Winston Preparatory School, et al.*

Venue: United States Southern District of New York
Docket No.: 1:21-CV-08209-PGG
Our File No.: 22643.8

Dear Judge Gardephe,

Our firm represents Defendants in the above-referenced matter and we write jointly with Plaintiff's counsel in accordance with Your Honor's Individual Rules of Practice to respectfully request an extension of time to respond to Plaintiff's Memorandum in Opposition to Defendants' Rule 12(b)(1) and 12(b)(6) Motion to Dismiss Plaintiff's Amended Complaint ("Plaintiff's Response") from August 19, 2022 through and including August 23, 2022.

As Your Honor may recall, Plaintiff's Response in Opposition to Defendants' Motion to Dismiss the Amended Complaint (the "Response") was originally due on April 26, 2022. (ECF No. 43). Plaintiff's counsel subsequently submitted an April 26, 2022 letter to the Court seeking an extension to serve Plaintiff's Response. (ECF No. 44). The Court granted a one-day extension for Plaintiff's Response to April 27, 2022 and extended Defendants' Reply deadline to May 11, 2022. (ECF No. 45). On May 4, 2022, the Parties notified the Court of Mr. Lewis's hospitalization and jointly requested that all deadlines be stayed until after Plaintiff's counsel was discharged from the hospital and the Parties could confer and submit an updated motion schedule. (ECF No. 46). The Court graciously granted this request on May 6, 2022. (ECF No. 47). On May 24, 2022, the Parties notified the Court of Mr. Lewis's health complications due to his hospitalization that prevented the Parties from conferring on a new motion schedule, and requested an adjournment from the May 26, 2022 court conference. (ECF No. 48). The Court graciously granted this request on May 25, 2022. (ECF No. 49). On June 27, 2022, the Parties requested an adjournment from the status conference scheduled for June 30, 2022 because Plaintiff's counsel was returning to office shortly thereafter, enabling the Parties to meet and confer on a new motion schedule. (ECF No. 50). On June 29, 2020, the Court graciously granted this request and further ordered the Parties to propose a new motion schedule by July 8, 2022. (ECF No. 51). The Parties so proposed the new motion schedule on July 8, 2022, and the Court subsequently granted the new motion schedule on July 11, 2022. (ECF Nos. 52 and 53, respectively).



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In said motion schedule, Plaintiff's Response was due on July 29, 2022 and Defendants' reply was due August 19, 2022. (ECF No. 53). However, due to a recurrence of his illness, Plaintiff's counsel was unable to meet the July 29, 2022 deadline and instead submitted Plaintiff's Response on August 1, 2022, and agreed to extend Defendant's time to file our reply as a result of this necessary delay. Accordingly, the Parties respectfully and jointly request that Defendants' reply deadline be extended from August 19, 2022 through and including August 23, 2022.

The Parties thank this Honorable Court for its continued courtesy and consideration in this particularly challenging time for Plaintiff's counsel.

Respectfully submitted,

NESENOFF & MILTENBERG, LLP

/s/ *Nicholas Lewis*

Nicholas Lewis, Esq.
Attorneys for Plaintiff

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

A handwritten signature of Corrine Shea.

Corrine Shea, Esq.
Nancy V. Wright, Esq.
Attorneys for Defendants

MEMO ENDORSED

The Application is granted.

SO ORDERED:

A handwritten signature of Paul G. Gardephe, U.S.D.J.

Paul G. Gardephe, U.S.D.J.
Dated: August 15, 2022